

Ameren Transmission Company of Illinois's
Response to Neighbors United Data Request

In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line from Palmyra, Missouri, to the Iowa Border and an Associated Substation Near Kirksville, Missouri.
Data Request

Data Request No.: NU-5-5 - Jennifer Hernandez

Page 5, lines 16-23 through Page 6, lines 1-3 of Ms. Turpin's surrebuttal testimony discusses a second example relied upon in her testimony. For the farm example, please describe the right-of-way easement in relation to the property's boundaries (followed property boundaries, cross diagonally, etc). Please also provide the case number for the example discussed.

RESPONSE

Prepared By: Vickie Turpin, IFA, SR/WA
Title: Owner and President of Kinker Appraisal Service, Inc.
Date: December 24, 2015

The second example involved the acquisition of a permanent right-of-way easement that would run along the northern portion of the subject property and Pike County Road 48. The easement would encompass 7.62 acres of land.

The case was tried in the Circuit Court of Pike County, *Northeast Missouri Electric Power Cooperative v. Clifford A. Mahar and Ruth A. Mahar*, Case Number 10PI-CC00047.

NU Exhibit No. 58
Date 1-26-16 Reporter YOT
File No. EA-2015-0146

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSOURI

FILED

OCT 29 2010

CIRCUIT COURT
PIKE COUNTY, MISSOURI

Northeast Missouri Electric Power Cooperative)
A Missouri Rural Electric)
Cooperative Corporation,)
)
Plaintiff,)

vs.)

CASE NO.: 10PT-C-000047

Clifford A. Mahar)
and)
Ruth A. Mahar,)
Husband and Wife)

Serve at: 12347 Hwy. E)
Curryville, Missouri 63339)

Marty Morrison, as Collector of)
Revenue for Pike County, Missouri,)
Courthouse, 115 Main Street)
Bowling Green, Missouri 63334)

Defendants.)

PETITION FOR CONDEMNATION

COMES NOW Plaintiff, Northeast Missouri Electric Power Cooperative, by and through the undersigned counsel, and for its Petition for Condemnation against the above-listed defendants, states and alleges as follows:

1. Plaintiff, Northeast Missouri Electric Power Cooperative, is a rural electric power cooperative corporation duly organized and existing under and by virtue of Chapter 394, Revised Statutes of Missouri, for the purpose of selling, supplying, transmitting and distributing electric power and energy and extending the use thereof in the rural areas of the State of Missouri, including Pike County, Missouri.
2. The power of eminent domain is granted to Plaintiff pursuant to and by virtue of Section 394.080.11, Revised Statutes of Missouri, and Plaintiff is authorized and empowered pursuant thereto to condemn land and interests therein and to acquire perpetual easements in, over, and across lands in which defendants have an interest, together with rights of

ingress and egress to said lands.

3. All named Defendants except Marty Morrison are the owners of land in Pike County, Missouri. Defendant Marty Morrison is the Collector of Revenue in Pike County, Missouri and, in that capacity, may have an interest in the land of the landowners.
4. Plaintiff proposes, and is now prepared to construct, operate and maintain, as a part of its electric transmission system, an electric transmission line above and below ground, consisting of poles, wire, fiber optic cable, crossarms, insulators, guy wires, anchors, and such other fixtures and appurtenances as may be necessary and proper for the purpose of transmitting and supplying electric power and energy and promoting and extending the use thereof in the State of Missouri. Said electric transmission line will extend from Plaintiff's existing transmission line (Line #126 Madisonville-Vandalia) which runs north and south along the NW 1/4-1/4 Section line of Section 21, Township 54N, and Range 5W in Ralls County, Missouri and proceed southeasterly to the 1/4 section line of Section 21, continuing east through the 1/4 section line of section 22, 23, and 24, Township 54N, Range 5W, continuing east across the 1/4 section line to the SE 1/4 of the NW 1/4 of Section 19, Township 54N, Range 4W, continuing south along the 1/4 section line of Section 19, Township 54N, Range 4W to the south line of Section 19, Township 54N, Range 4W, continuing east to the SE corner of Section 20, Township 54N, Range 4W, continuing south along the west line of Section 29, Township 54N, Range 4W to the NW corner of the SW 1/4 of Section 29, Township 54N, Range 4W, continuing southeast to the SE 1/4 of the SW 1/4 of Section 29, Township 54N, Range 4W and being the south line of Section 29, continuing east along the south line of Section 29, and to the 1/4 section line of Section 28, of Township 54N, and Range 4W, then crossing SE to the NW 1/4 of the NE 1/4 of Section 33, Township 54N, and Range 4W, continuing east along the section line of Section 33 and part of the NE corner of Section 34, then crossing NE to the SW 1/4 of Section 27, Township 54N, and Range 4W, and continuing along the south section line of Section 27, and a portion of Section 26, to Plaintiff's Ranacker Substation to be located on 1.2 acre owned by Plaintiff in the SE 1/4 of the SW 1/4, of Section 26, Township 54N, and Range 4W in Pike County, Missouri, said electric line being approximately 10.1 miles in total length, and will cross upon, through and under

real estate owned by the defendants, or in which the defendants have or may claim to have an interest, all of the land which is the subject of this Petition being in Pike County, Missouri. An aerial photograph map of existing and the proposed transmission line over, upon, through and under the hereinafter described lands of defendant is attached hereto and incorporated herein by reference as **Exhibit A**.

5. Plaintiff, as part of the operation of its business as a rural electric cooperative, in order to provide for the present and future needs of the public in distribution and transmission of electric energy for light, heat and power for public use, benefit and convenience and to help maintain acceptable voltage levels and reliability, hereby seeks to acquire and condemn the property and rights more specifically described and defined hereinafter.
6. All construction shall be in accordance with the applicable provisions of the National Electrical Safety Code for the construction of electric transmission lines.
7. Plaintiff provided to each defendant fee simple owner written notice of its intent to acquire the property interests sought hereunder as required by Section 523.250 of the Revised Statutes of Missouri.
8. Plaintiff presented to each defendant fee simple owner a written offer for the property interests sought hereunder as required by Section 523.253 of the Revised Statutes of Missouri.
9. Plaintiff has engaged in good faith negotiations with the defendant fee simple owners for the easement described below and Plaintiff has met all other jurisdictional prerequisites under Chapter 523 of the Revised Statutes of Missouri for the takings described in this Petition.
10. It is necessary for the purposes stated herein that Plaintiff acquire a permanent easement in, on, upon, along, over through, across and under the property described on **Exhibit B** attached hereto and made a part hereof (the "Easement Property"). The Easement Property is depicted generally on the boundary survey attached hereto as **Exhibit C** and made a part hereof.
11. The easement rights which Plaintiff seeks to condemn are described and defined as follows:

The perpetual right, permission, privilege and authority to place,

replace, construct, reconstruct, erect, relocate, modify, change operating voltage, patrol, repair, operate and maintain thereon, either above ground or underground or a combination of both, electric transmission lines of one or more circuits, poles, structures, conduits, cross-arms, foundations, footings, towers, wire, guys brace poles, guy wires, anchors, cables, fiber optics, line, lines or systems and any other appurtenances for the purpose of transmitting electrical energy or other power and data or information of any type whatsoever, to and across the Easement Property at any time, and from time to time; to spray, trim, cut, clear or remove, at any time, and from time to time, by any means whatsoever, from the Easement Property or the adjoining lands of the defendants, trees, brush, and any and all obstructions of whatsoever kind or character which, in the judgment of Plaintiff, may endanger the safety of, or interfere with the construction, reconstruction, erection, placement, retention, operation, maintenance, inspection, patrolling, addition to, and relocation of Plaintiff's facilities; and the right of ingress and egress to, from and over the Easement Property and any of the adjoining lands of defendants at any and all times for doing anything necessary or convenient in the exercise of the rights herein described, to temporarily open fences now existing or hereafter constructed within the Easement Property or to place gates therein to permit Plaintiff to traverse said Easement Property, provided, however that Plaintiff will after the construction of said electric transmission lines and facilities has been completed, assume liability for such damages (other than those resulting from initial and subsequent clearing and keeping clear the Easement Property as herein requested) to fields, crops or fences as may be occasioned or caused by its entries upon said land from time to time made in connection with the operation

and maintenance of its electric transmission line and will pay for each such item of damage when, if and as the same is inflicted; also the privilege of removing at Plaintiff's option at any time, any or all of defendants' improvements erected in, on, upon, over, and/or under the Easement Property, which, in the judgment of Plaintiff, will interfere with any of the easement rights of Plaintiff described herein.

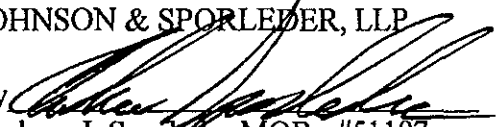
12. The use of the foregoing easement rights, including any modification of its facilities within the Easement Property by Plaintiff, does not impose an unreasonable burden or impact on defendants' property or defendants' activities thereon.
13. Access rights of Plaintiff shall not interfere with the continued use, if any, of any private or public roads or rights-of-way by defendants.
14. Defendants may not erect any building or structure or create or permit any hazard or obstruction of any kind or character on the Easement Property which, in the judgment of Plaintiff, will interfere with any of the easement rights of Plaintiff described herein.
15. No part of the Easement Property will be fenced or enclosed by Plaintiff.
16. The burden of the easement hereunder shall run with the land, and the easement shall be binding upon Plaintiff and defendants and their respective heirs, successors, executors, administrators and assigns.
17. The Easement Property described herein is part of a larger parcel of real property which is owned in fee by defendants Clifford A Mahar and Ruth A. Mahar, and may further be subject to the interests or claims, if any, of:
 - (a) Defendant Marty Morrison as Collector of Revenue of Pike County, Missouri; and
 - (b) Such unknown persons or legal entities as may derive or claim title or interest as husbands, wives, grantees, successors, assigns, heirs, lessees, or devisees of the persons named specifically as defendants in this Petition.
18. Plaintiff has been unable to agree with defendants Clifford A Mahar and Ruth A. Mahar as to the amount of compensation to be paid for acquisition of the easement rights sought hereunder, although Plaintiff has in good faith attempted to agree with said defendants as to

the amount of compensation, and Plaintiff therefore has been unable to acquire the easement rights described herein and necessary for its purposes.

WHEREFORE, Plaintiff Northeast Missouri Electric Power Cooperative respectfully prays that the Easement Property and the rights described in this Petition for Condemnation be and stand condemned for the uses stated herein from any and all interests of the defendants, and for the appointment, in accordance with the laws of the State of Missouri, of three qualified, disinterested residents of Pike County, Missouri, as commissioners to view and determine and assess the damage, if any, which may be sustained severally by the defendants by reason of such appropriation by Plaintiff of same and for such further relief as this Court deems just and proper.

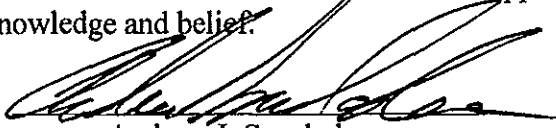
Respectfully submitted,

JOHNSON & SPORLEDER, LLP

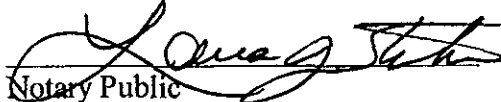
By 
Andrew J. Sporleder MOBar#51197
304 E. High Street, Suite 200
P.O. Box 1670
Jefferson City, MO 65102
573-659-8734 (telephone)
573-761-3587 (facsimile)

STATE OF MISSOURI)
) SS.
COUNTY OF COLE)

The undersigned, Andrew J. Sporleder, being duly sworn, on his oath states that he is an attorney working for Northeast Missouri Electric Power Cooperative, Plaintiff herein, and that he is authorized to make affidavits on their behalf, and that the facts stated in the Petition appearing above are true and correct to the best of his knowledge and belief.

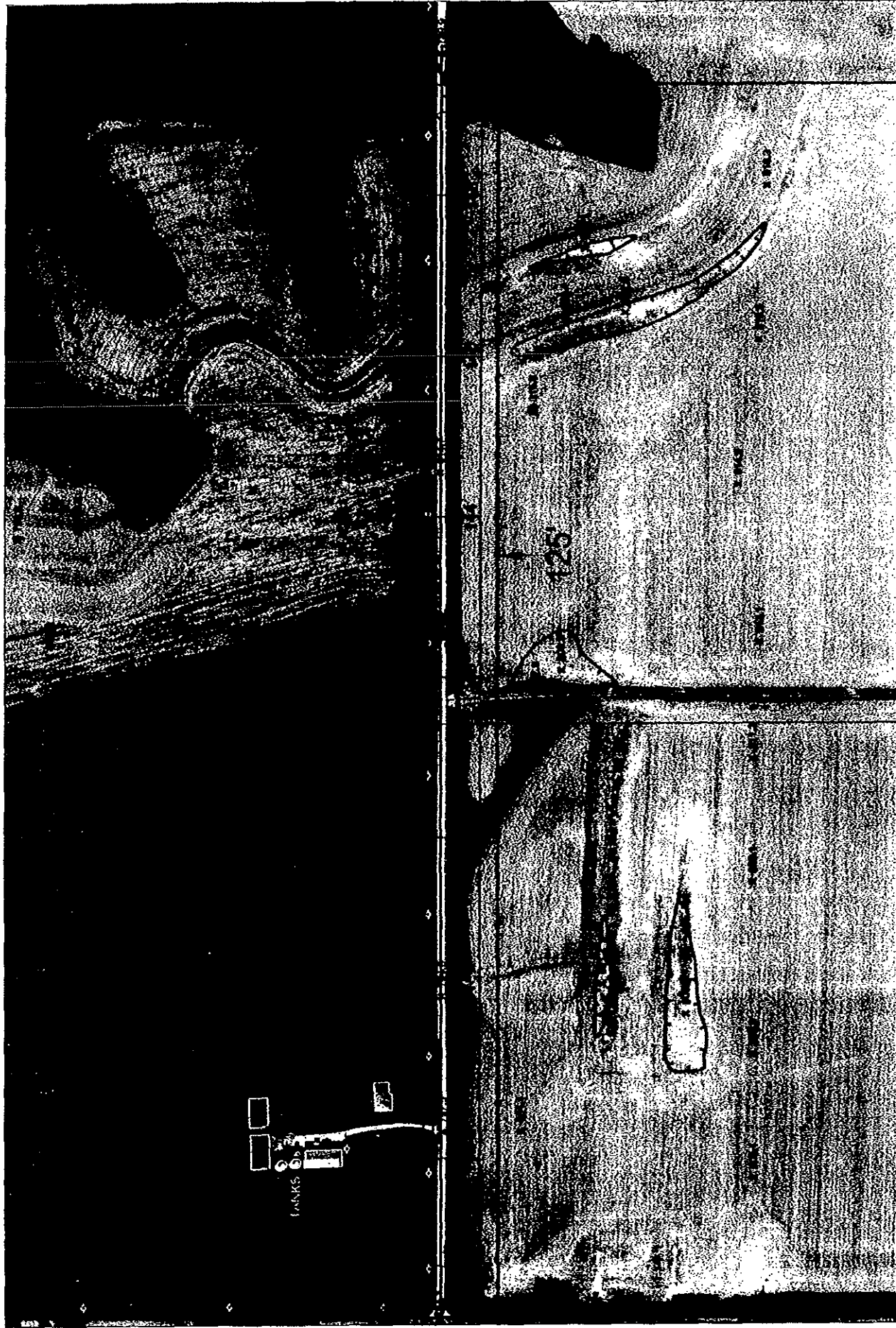

Andrew J. Sporleder

Subscribed and sworn to before me this 27 day of October, 2010.


Notary Public

My Commission Expires





RANACKER TAP
05/30/10

MAHAR TRACT

1" = 300' (N)



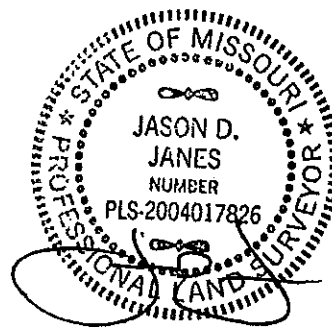
EXHIBIT B

Description -- Northeast Missouri Electric Power Cooperative
7.4 Acre Tract

2010-002586-3
August 30, 2010

A tract of land lying in the Northeast Quarter of Section 33, Township 54 North, Range 4 West, Pike County, Missouri and being more fully described as follows to-wit:

Beginning at a 5/8" iron pin marking the Northeast corner of said Section 33, thence South 00 degrees, 37 minutes and 42 seconds West along the East line of said Section 125.01 feet to a 5/8" iron pin; thence North 88 degrees, 43 minutes and 39 seconds West leaving said East line and parallel with the North line of said Section 2618.93 feet to a 5/8" iron pin on the East right-of-way of Missouri Route "E"; thence North 01 degree, 27 minutes and 27 seconds East along said right-of-way 25.28 feet to a 5/8" iron pin; thence North 46 degrees, 27 minutes and 27 seconds East along said right-of-way 106.07 feet to a 5/8" iron pin; thence North 01 degree, 27 minutes and 27 seconds East along said right-of-way 24.96 feet to a 5/8" iron pin on the North line of said Section 33; thence South 88 degrees, 43 minutes and 39 seconds East leaving said right-of-way and along said North line and along Pike County Route #48 a distance of 2542.12 feet to the Point of Beginning, containing 7.4 Acres, more or less, with the above described being subject to that portion now being used for public road purposes and subject to other easements and rights-of-way of record or not of record, if any. As per survey #2010-002586-3 of Jason D. Janes, Missouri Professional Land Surveyor #2004017826 during August of 2010.



8-30-10

Prepared by
JANES SURVEYING, Inc.
222 South Main
Palmyra, Missouri 63461



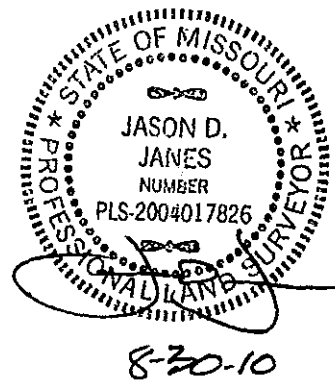
EXHIBIT B

Description – Northeast Missouri Electric Power Cooperative
9,376 Square Feet Tract

2010-002586-2
August 30, 2010

A tract of land lying in the Northwest Quarter of the Northwest Quarter of Section 34, Township 54 North, Range 4 West, Pike County, Missouri and being more fully described as follows to-wit:

Beginning at a 5/8" iron pin marking the Northwest corner of said Section 34, thence South 88 degrees, 11 minutes and 24 seconds East along the North line of said Section and along Pike County Route #48 a distance of 75.02 feet to a point from which a 5/8" iron pin bears South 00 degrees, 37 minutes and 42 seconds West 18.69 feet; thence South 00 degrees, 37 minutes and 42 seconds West leaving said North line and said County Route and parallel with the West line of said Section 125.03 feet to a 5/8" iron pin; thence North 88 degrees, 10 minutes and 33 seconds West 75.02 feet to a 5/8" iron pin on the West line of said Section 34; thence North 00 degrees, 37 minutes and 42 seconds East along said West line 125.01 feet to the Point of Beginning, containing 9,376 square feet, more or less, with the above described being subject to that portion now being used for public road purposes and subject to other easements and rights-of-way of record or not of record, if any. As per survey #2010-002586-2 of Jason D. Janes, Missouri Professional Land Surveyor #2004017826 during August of 2010.



Prepared by
JANES SURVEYING, Inc.
222 South Main
Palmyra, Missouri 63461

BOUNDARY SURVEY
 A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF
 OF SECTION 33, TOWNSHIP 54 NORTH, RANGE 4 WEST, PIKE COUNTY, MISSOURI.
 (AS MADE FOR NORTHEAST MISSOURI ELECTRIC POWER COOPERATIVE)

DESCRIPTION - 7.4 ACRE TRACT

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 54 NORTH, RANGE 4 WEST, PIKE COUNTY, MISSOURI AND BEING MORE FULLY DESCRIBED AS FOLLOWS TO-WIT:

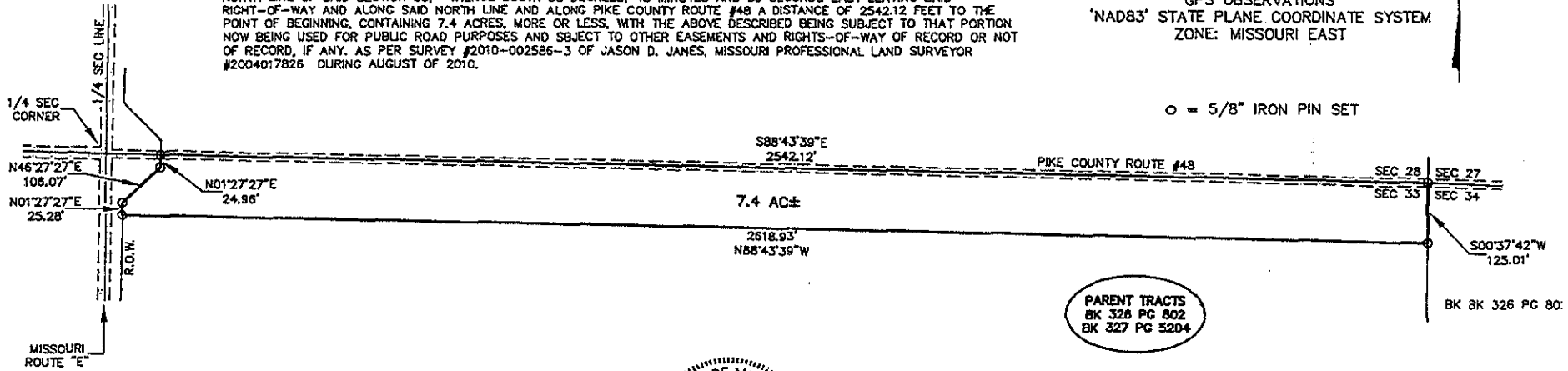
BEGINNING AT A 5/8" IRON PIN MARKING THE NORTHEAST CORNER OF SAID SECTION 33, THENCE SOUTH 00 DEGREES, 37 MINUTES AND 42 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 125.01 FEET TO A 5/8" IRON PIN; THENCE NORTH 88 DEGREES, 43 MINUTES AND 39 SECONDS WEST LEAVING SAID EAST LINE AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 2618.93 FEET TO A 5/8" IRON PIN ON THE EAST RIGHT-OF-WAY OF MISSOURI ROUTE "E"; THENCE NORTH 01 DEGREE, 27 MINUTES AND 27 SECONDS EAST ALONG SAID RIGHT-OF-WAY 25.28 FEET TO A 5/8" IRON PIN; THENCE NORTH 46 DEGREES, 27 MINUTES AND 27 SECONDS EAST ALONG SAID RIGHT-OF-WAY 106.07 FEET TO A 5/8" IRON PIN; THENCE NORTH 01 DEGREE, 27 MINUTES AND 27 SECONDS EAST ALONG SAID RIGHT-OF-WAY 24.96 FEET TO A 5/8" IRON PIN ON THE NORTH LINE OF SAID SECTION 33; THENCE SOUTH 88 DEGREES, 43 MINUTES AND 39 SECONDS EAST LEAVING SAID RIGHT-OF-WAY AND ALONG SAID NORTH LINE AND ALONG PIKE COUNTY ROUTE #48 A DISTANCE OF 2542.12 FEET TO THE POINT OF BEGINNING, CONTAINING 7.4 ACRES, MORE OR LESS, WITH THE ABOVE DESCRIBED BEING SUBJECT TO THAT PORTION NOW BEING USED FOR PUBLIC ROAD PURPOSES AND SUBJECT TO OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR NOT OF RECORD, IF ANY, AS PER SURVEY #2010-002586-3 OF JASON D. JANES, MISSOURI PROFESSIONAL LAND SURVEYOR #2004017826 DURING AUGUST OF 2010.



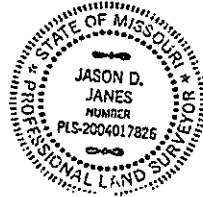
1 INCH = 200 FT.

GRID NORTH
 BEARING REFERENCES:
 BASED ON
 GPS OBSERVATIONS
 'NAD83' STATE PLANE COORDINATE SYSTEM
 ZONE: MISSOURI EAST

○ = 5/8" IRON PIN SET



PARENT TRACTS
 BK 326 PG 802
 BK 327 PG 5204



THIS PLAT AS A RESULT OF A SURVEY MADE UNDER MY DIRECT SUPERVISION ON AUGUST 26, 2010 REPRESENTS A TRUE AND ACCURATE RECORD OF SAID SURVEY AND WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR RURAL PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES.

Jason D. Janes 8-2010

JASON D. JANES, P.L.S. #2004017826 - MISSOURI

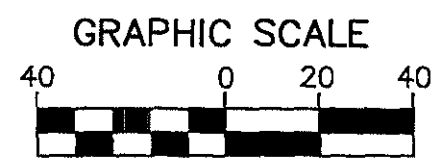
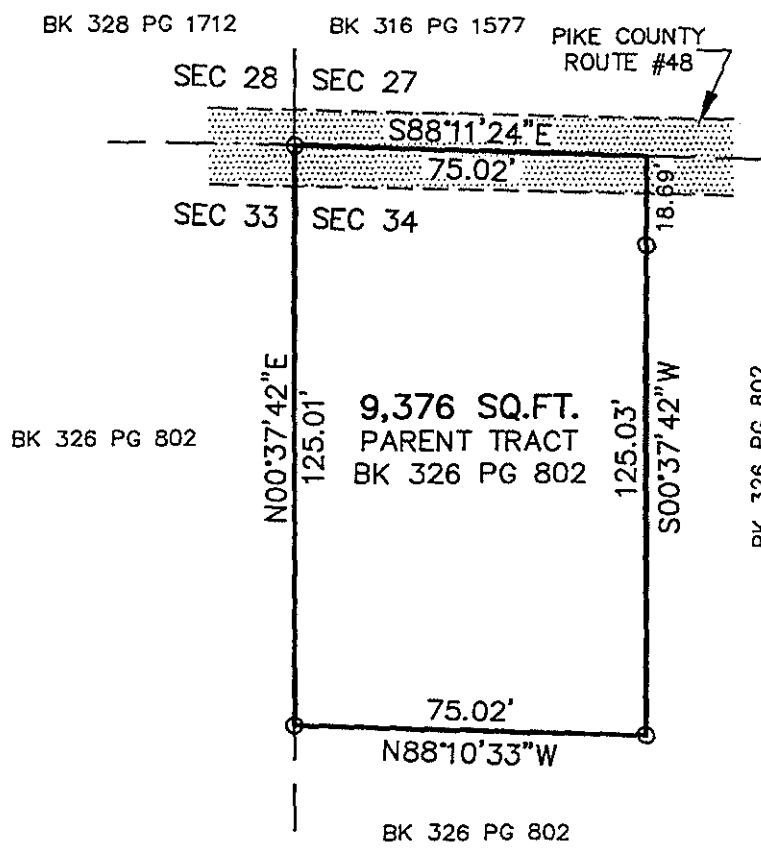
JSI PROJECT NO.
 2010-002586-3



EXHIBIT C

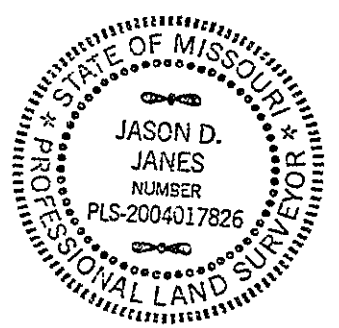
BOUNDARY SURVEY

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF
THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 54 NORTH,
RANGE 4 WEST, PIKE COUNTY, MISSOURI.
(AS MADE FOR NORTHEAST MISSOURI ELECTRIC POWER COOPERATIVE)



1 INCH = 40 FT.

GRID NORTH
BEARING REFERENCES:
BASED ON
GPS OBSERVATIONS
'NAD83' STATE PLANE COORDINATE SYSTEM
ZONE: MISSOURI EAST



○ = 5/8" IRON PIN SET

THIS PLAT AS A RESULT OF A SURVEY MADE UNDER MY DIRECT SUPERVISION ON AUGUST 26, 2010 REPRESENTS A TRUE AND ACCURATE RECORD OF SAID SURVEY AND WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR RURAL PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES.

Jason D. Janes 8-30-10

JASON D. JANES, P.L.S. #2004017826 - MISSOURI

JSI PROJECT NO.
2010-002586-2



EXHIBIT C

STATE OF MISSOURI)
)SS
COUNTY OF PIKE)

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSOURI
CIRCUIT JUDGE DIVISION

FILED

DEC 10 2010

CIRCUIT COURT
PIKE COUNTY, MISSOURI

NORTHEAST MISSOURI ELECTRIC)
POWER COLLECTIVE,)
A Missouri Rural Electric Power)
Cooperative Corporation)

Plaintiff,)

Cause No. 10PI-CC00047

vs.)

CLIFFORD A. MAHAR and)
RUTH MAHAR, husband & wife and)

MARTY MORRISON, as Collector of)
Revenue for Pike County, Missouri,)

Defendants.)


ANSWER TO PETITION FOR CONDEMNATION

COMES NOW the Defendants, Clifford A. Mahar and Ruth A. Mahar, husband and wife, Defendants herein, together with their attorney, E. Rex Bradley, and for their Answer to the Plaintiff's Petition for Condemnation hereby state to the Court, upon their oath, as follows:

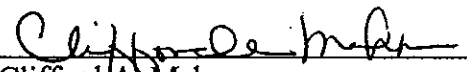
1. The Defendants admit the allegations set forth in paragraphs 1, 2, 3, 7, 8, 17 and 18;
2. The Defendants deny the allegations set forth in paragraphs 4, 5, 9, 10, 11, 12, 13, 14, 15 and 16;
3. The Defendants are without sufficient knowledge, information or belief to admit or deny the allegations set forth in paragraph 6 and, therefore, deny the same and request this Honorable Court to hold the Plaintiffs to strict proof thereon;
4. The Defendants, by way of answer, state said proposed taking of the Defendants' land

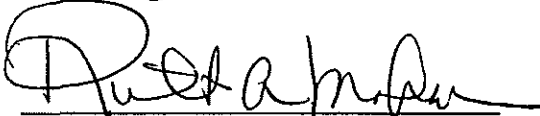
by condemnation, as stated herein constitutes bad faith or an arbitrary and unwarranted abuse of discretion by the Plaintiff because said taking, as aforesaid, is not necessary to serve the stated purposes of the Plaintiff in that there is an existing easement north of the County Road adjacent to the north side of Defendants' real estate and said taking is not necessary by the Plaintiff, as aforesaid, because Plaintiff is attempting to take land that is not necessary for Plaintiff's purpose, therefore, Defendants raise the affirmative defenses of estoppel, failure of consideration, fraud, illegality, and laches.

WHEREFORE, Defendants pray the Plaintiff's Petition be dismissed and the Defendants be permitted to go forth with Defendants' costs and for such other orders and relief as the Court may deem just and proper under the premises.



E. Rex Bradley #22053
E. Ryan Bradley #53777
Attorneys for Defendants Mahar
The Bradley Law Firm, L.L.C.
2608 Georgia Street, P.O. Box 544
Louisiana, Missouri 63353
Phone: (573) 754-5582
Fax: (573) 754-5451



Clifford A. Mahar


Ruth A. Mahar

STATE OF MISSOURI)
) SS
COUNTY OF PIKE)

Clifford A. Mahar and Ruth A. Mahar, husband and wife, of lawful ages, being duly sworn upon their oath, state they are the Defendants named above and the facts stated in the foregoing instrument are true and correct according to their best knowledge, information and belief.

Clifford A. Mahar
Clifford A. Mahar
Ruth A. Mahar
Ruth A. Mahar

STATE OF MISSOURI)
) SS
COUNTY OF PIKE)

On this 8th day of December in the year 2010, before me, Angela Shepherd, a Notary Public in and for said state, personally appeared Clifford A. Mahar and Ruth A. Mahar, husband and wife, known to me to be the persons who executed within document, and acknowledged to me they executed the same for the purposes within stated.

Subscribed and sworn to before me this 8th day of December, 2010, in my office in Pike County, Missouri.

Angela Shepherd
- Notary Public

SEAL

My Commission Expires:



ANGELA SHEPHERD
My Commission Expires
September 29, 2011
Pike County
Commission #07385590



ANGELA SHEPHERD
My Commission Expires
September 29, 2011
Pike County
Commission #07385590

A copy of the foregoing has been mailed to the following on this the 9th day of December, 2010. AC

Mr. Andrew Sporleder
Johnson & Sporleder, LLP
304 East High Street, Suite 200
P.O. Box 1670
Jefferson City, Missouri 65102
Attorney for Plaintiff

Ms. Marty Morrison
Pike County Collector
115 West Main Street
Bowling Green, Missouri 63334
Co-Defendant

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSOURI
Circuit Judge Division

FILED

MAR 17 2011

CIRCUIT COURT
PIKE COUNTY, MISSOURI

NORTHWEST MISSOURI)
ELECTRIC POWER COLLECTIVE,)
Plaintiff,)
vs.)
CLIFFORD A. MAHAR)
and)
RUTH A. MAHAR,)
Husband and Wife)
MARTY MORRISON, as Collector of)
Revenue for Pike County, Missouri,)
Defendants.)

Cause No.: 10PI-CC00047

REPORT OF COMMISSIONERS

On this 17th day of March, 2011, come Candy L. Ries, Brenda Wells and Bob Johnmeyer, duly appointed commissioners in the above-entitled cause, and report that:

1. They forthwith accepted said appointment;
2. They viewed all the property together on March 14, 2011;
3. They met with the Petitioner and Defendants, Clifford and Ruth Mahar, on March 14, 2011.
4. All three took and filed in this cause their Qualifying Oath;
5. They met together on March 17, 2011;
6. They examined the respective description of the easement while viewing the corresponding property;
7. They considered and weighed the damages, if any, that the Defendants owning the property will sustain by reason of the appropriation set out in the Petition, and took into consideration the benefits to be derived by the owners as well as the damages sustained thereby, as is required by law, all to the extent of their effect on, and as reflected in, the market value of the entire property, of which the respective parcel described herein is a part;
8. They determined that the taking will not result in a homestead taking (defined at Section 523.001 RSMO);

9. They determined that the taking is not of property that has been in the Defendants' family for fifty (50) years or more and is not therefore subject to heritage value (defined at Section 523.001 RSMO); and

10. They do now return, under oath, to the Circuit Clerk their report in quadruplicate setting forth and stating for a right of way by perpetual easement for the purposes set forth in Plaintiff's Petition over, under, across and through the following described land, we assess and find the damages as hereinafter set out, as follows:

A tract of land lying in the Northeast Quarter of Section 33, Township 54 North, Range 4 West, Pike County, Missouri and being more fully described as follows to wit:

Beginning at a 5/8" iron pin marking the Northeast corner of said Section 33, thence South 00 degrees, 37 minutes and 42 seconds West along the East line of said Section 125.01 feet to a 5/8" iron pin; thence North 88 degrees, 43 minutes and 39 seconds West leaving said East line and parallel with the North line of said Section 2618.93 feet to a 5/8" iron pin on the East right-of-way of Missouri Route "E"; thence North 01 degree, 27 minutes and 27 seconds East along said right-of-way 25.28 feet to a 5/8" iron pin; thence North 46 degrees, 27 minutes and 27 seconds East along said right-of-way 106.07 feet to a 5/8" iron pin; thence North 01 degree, 27 minutes and 27 seconds East along said right-of-way 24.96 feet to a 5/8" iron pin on the North line of said Section 33; thence South 88 degrees, 43 minutes and 39 seconds East leaving said right-of-way and along said North line and along Pike County Route #48 a distance of 2542.12 feet to the Point of Beginning, containing 7.4 Acres, more or less, with the above described being subject to that portion now being used for public road purposes and subject to other easements and rights-of-way of record or not of record, if any. As per survey #2010-002586-3 of Jason D. Janes, Missouri Professional Land Surveyor #2004017826 during August of 2010.

AND

A tract of land lying in the Northwest Quarter of the Northwest Quarter of Section 34, Township 54 North, Range 4 West, Pike County, Missouri and being more fully described as follows to wit:


Beginning at a 5/8" iron pin marking the Northwest corner of said Section 34, thence South 88 degrees, 11 minutes and 24 seconds East along the North line of said Section and along Pike County Route #48 a distance of 75.02 feet to a point from which a 5/8" iron pin bears South 00 degrees, 37 minutes and 42 seconds West 18.69 feet; thence South 00 degrees, 37 minutes and 42 seconds West leaving said North line and said County Route and parallel with the West line of said Section 125.03 feet to a 5/8" iron pin; thence North 88 degrees, 10 minutes and 33 seconds West 75.02 feet to a 5/8" iron pin on the West line of said Section 34; thence North 00 degrees, 37 minutes and 42 seconds East along said West line 125.01 feet to the Point of Beginning, containing 9,376 square feet, more or less, with the above described being subject to that portion now being used for public road purposes and subject to other easements and rights-of-way of record or not of record, if any. As per survey #2010-002586-02 of Jason D. Janes, Missouri Professional Land Surveyor #2004017826 during August of 2010.

STATE OF MISSOURI)
) ss.
COUNTY OF PIKE)

On this 17th day of March, 2011, before me personally appeared Commissioner, **Brenda Wells**, known to me to be the person who executed the above instrument and acknowledged to me that she executed the same of her own free act for the purposes therein stated.

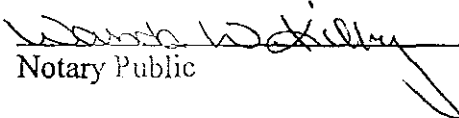


Notary Public

My commission expires: 

STATE OF MISSOURI)
) ss.
COUNTY OF PIKE)

On this 17th day of March, 2011, before me personally appeared Commissioner, **Bob Johnmeyer**, known to me to be the person who executed the above instrument and acknowledged to me that he executed the same of his own free act for the purposes therein stated.



Notary Public

My commission expires:


Certification of the Circuit Clerk

State of Missouri)
) ss.
County of Pike)

I, _____, Circuit Clerk within and for the County and State noted above, do hereby certify that the above and foregoing is a full, true, and complete copy of the Report of Commissioners filed in the above-style cause as the same appears on the records in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at my office in Bowling Green, Missouri, this _____ day of _____, 2011.

, Circuit Clerk

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Documents

04/14/2014

PROOF OF PAYMENT OF COMM FEES FINAL



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ORDER FOR COMMISSIONER FEES FINAL

02/20/2014

Secured Document

02/19/2014

ORDER FINAL

01/21/2014

Amended Notice

01/08/2014

PLAINTIFF S SUGGESTIONS IN OPPOSITION TO COMMISSIONERS MOTION FOR JUDGMENT OF FEES

12/16/2013

Motion for Judgment of Commissioners Fees

Notice


Order

10/09/2012

ORDER AND NOTICE FINAL

10/05/2012


SUGGESTIONS IN OPPOSITION FINAL


 09/26/2012

MOTION FOR COMMISSIONERS' FEES FINAL





NOTICE OF HEARING FINAL 

 03/17/2011


OATH OF COMMISSIONERS FINAL 

REPORT OF COMMISSIONERS FINAL 


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RETURN OF SERVICE FINAL 

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PETITION FINAL 